

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUANA MARGARITA CARLSON,

Plaintiff,

v.

No. CV 00 0215 LH/DJS

**SANTA MARIA EL MIRADOR, a
New Mexico Corporation, and
S. LEE ROSEN, individually
and in their supervisory capacity, and
MORRIS PAIZ, individually,**

Defendants

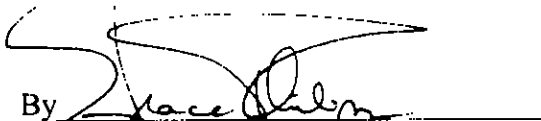
**DEFENDANT PAIZ'S UNOPPOSED
MOTION TO DISMISS WITH PREJUDICE**

Defendant Morris Paiz moves this Court to dismiss all plaintiff's claims against him pursuant to FED. R. CIV. P. 10 and LR-CV 7, 10. As grounds therefor Defendant Paiz states:

1. Mr. Paiz is a developmentally disabled individual with a cognitive age of approximately nine years.
2. Mr. Paiz is eligible for medicaid benefits based on his low-income status. *See* Affidavit of Pita Salazar, attached as Exhibit A;
3. Plaintiff does not oppose this motion in reliance on the information provided in Exhibit A, and provided Mr. Paiz is made available for a future deposition, if needed, upon simple notice of that deposition.
4. Co-defendants Santa Maria El Mirador and S. Lec Rosen do not oppose this motion to dismiss.

WHEREFORE, Defendant Morris Paiz asks this Court to dismiss all of Plaintiff's claims against him with prejudice .

MONTGOMERY & ANDREWS, P.A.

By 

Grace Philips

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Santa Fe, New Mexico 87504-2307

Telephone: (505) 982-3873

Attorneys for Defendant Morris Paiz

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Entry of Appearance was mailed on September ~~14~~ ²² 2000 to:

George Geran, Esq.
625 Franklin Avenue
Santa Fe, New Mexico 87501
Attorney for Plaintiff

Paula G. Maynes
Miller, Stratvert & Torgerson, P.A.
Post Office Box 1986
Santa Fe, New Mexico 87504-1986
Attorney for Defendants Santa Maria El Mirador and S. Lee Rosen

By 
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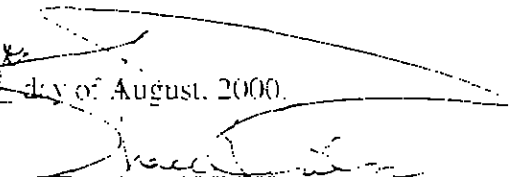
AFFIDAVIT OF PITA SALAZAR TO DEMONSTRATE
DEFENDANT MORRIS PAIZ'S LACK OF ASSETS

1. I am Pita Salazar, Morris Paiz's case manager for Santa Maria El Mirador.
2. I am making this Affidavit under penalty of perjury.
3. I am over eighteen years of age and I am competent to testify.
4. I have personal knowledge of the facts contained in this Affidavit and I could testify to these facts if I were asked to do so in Court.
5. Morris Paiz does not own any assets such as real estate, motor vehicles or other items of value.
6. Morris Paiz is eligible for and receives Medicaid benefits for the following reasons:
 - A. His permanent physical and mental impairments keep him from performing any substantial work.
 - B. His monetary assets are below the financial resource limit of \$2000. His monthly average income is \$309.

C. Mr. Paiz is a U.S. citizen


Pita Salazar

Subscribed and sworn to before me by Pita Salazar this 22 day of August, 2000.


Notary Public

My Commission Expires:

December 22, 2001

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